

**REMARKS**

Claims 1-20 were pending in the application. Claim 9 has been amended herein. No new matter has been added. Upon entry of the present amendment, claims 1-20 will be pending.

**I. Status of Claims and Support for Claim Changes**

Claim	Status	Support for Change in Patent
1	pending	
2	pending	
3	pending	
4	pending	
5	pending	
6	pending	
7	pending	
8	pending	
9	pending	Column 3, lines 33-46
10	pending	
11	pending	
12	pending	
13	pending	
14	pending	
15	pending	
16	pending	
17	pending	
18	pending	
19	pending	
20	pending	

**II. The Claimed Invention Is Not Anticipated**

Claims 1, 3, 4, 10, 11, 13, 14, and 20 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 5,456,933 (hereinafter, the “Lee reference”). Applicant traverses the rejection and respectfully requests reconsideration because the Lee reference does not teach every feature recited in the rejected claims.

The Lee reference reports using a starch from such sources as cereal flours obtained from known grains, ground hard wheat, ground whole corn, and other types of ground cereal-based grain material (see, column 5, lines 37-41).

In contrast, the claims of the present invention recite “pre-gelatinized starch.”

Applicant’s specification teaches:

Pre-gelatinized starches comprise modified or natural raw starches that have been cooked to gelatinize varying portions of the starch followed by dehydration and pulverization.

(see column 2, line 67 to column 3, line 3). Significantly, the Lee reference does not teach using pre-gelatinized starch. Thus, the Lee reference fails to teach every element recited in Applicant’s claims and, therefore, does not anticipate the claimed invention. Accordingly, Applicant respectfully requests that the rejection under 35 U.S.C. §102(b) be withdrawn.

**III. The Claimed Invention Is Not Obvious****A. The Combination of the Lee and Gluck References**

Claims 1-4, 10-14, and 20 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over the Lee reference in combination with U.S. Patent No. 6,228,418 (hereinafter, the “Gluck reference”). Applicant traverses the rejection and respectfully requests reconsideration because the combination of the Lee and Gluck references does not produce Applicant’s claimed invention.

The comments above in regard to the Lee reference are incorporated herein by reference for the sake of brevity.

The Gluck reference was cited by the Office to show that the dough recited therein was baked and then fried. Applicant is unable to locate any portion of the Gluck reference that teaches using pre-gelatinized starch.

Addition of the subject matter of the Gluck reference does not cure the deficiency of the Lee reference stated above. That is, the combination of the Lee and Gluck references fails to teach using a pre-gelatinized starch. Thus, the combination of the Lee and Gluck references fails to produce the claimed invention. Accordingly, Applicant respectfully requests that the rejection under 35 U.S.C. §103(a) be withdrawn.

**B. The Lee Reference and the Combination of the Lee and Gluck References**

Claims 5, 6, 9, 15, 16, and 19 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over the Lee reference itself or in combination with the Gluck reference. Applicant traverses the rejection and respectfully requests reconsideration because neither the Lee reference by itself nor the combination of the Lee and Gluck references produces Applicant's claimed invention.

The comments above in regard to the Lee and Gluck references are incorporated herein by reference for the sake of brevity.

The Office points out that the rejected claims recite additional dry ingredients that are allegedly disclosed in both the Lee and Gluck references. Regardless of whether this assertion is accurate, Applicant maintains that the neither the Lee reference alone, nor in combination with the Gluck reference, teaches or suggests the claimed invention. Indeed, neither reference, alone or in combination, teaches or suggests using pre-gelatinized starch. Thus, the combination of the Lee and Gluck references fails to produce the claimed invention. Accordingly, Applicant respectfully requests that the rejection under 35 U.S.C. §103(a) be withdrawn.

**C. The Combination of the Lee and Buchanan References**

Claims 7 and 17 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over the Lee reference in combination with U.S. Patent No. 7,074,900 (hereinafter, the "Buchanan reference") and optionally in combination with the Gluck reference. Applicant traverses the rejection and respectfully requests reconsideration because the combination of the Lee reference with the Buchanan reference, or optionally along with the Gluck reference, does not produce Applicant's claimed invention.

The comments above in regard to the Lee and Gluck references are incorporated herein by reference for the sake of brevity.

The Buchanan reference was cited by the Office to show the inclusion of milk as an alternative to water in preparing dough for pet foods. Applicant is unable to locate any portion of the Buchanan reference that teaches using pre-gelatinized starch.

As pointed out above, neither the Lee reference nor the Gluck reference, alone or in combination, teaches or suggests using pre-gelatinized starch. The Buchanan reference does not cure this deficiency. Thus, the combination of the Lee and Buchanan references, optionally along with the Gluck reference, fails to produce the claimed invention. Accordingly, Applicant respectfully requests that the rejection under 35 U.S.C. §103(a) be withdrawn.

#### **D. The Combination of the Lee and Tsumura References**

Claims 8 and 18 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over the Lee reference in combination with U.S. Patent No. 6,316,043 (hereinafter, the “Tsumura reference”) and optionally in combination with the Gluck reference. Applicant traverses the rejection and respectfully requests reconsideration because the combination of the Lee reference with the Tsumura reference, or optionally along with the Gluck reference, does not produce Applicant’s claimed invention.

The comments above in regard to the Lee and Gluck references are incorporated herein by reference for the sake of brevity.

The Tsumura reference was cited by the Office to show the inclusion of soy milk as in preparing dough products. Applicant is unable to locate any portion of the Tsumura reference that teaches using pre-gelatinized starch.

As pointed out above, neither the Lee reference nor the Gluck reference, alone or in combination, teaches or suggests using pre-gelatinized starch. The Tsumura reference does not cure this deficiency. Thus, the combination of the Lee and Tsumura references, optionally along with the Gluck reference, fails to produce the claimed invention. Accordingly, Applicant respectfully requests that the rejection under 35 U.S.C. §103(a) be withdrawn.

**IV. Conclusion**

Applicant respectfully submits that the claims are in condition for allowance. An early notice of the same is earnestly solicited. The Examiner is invited to contact Applicant's undersigned representative at (610) 640-7859 if there are any questions regarding Applicant's claimed invention.

The Commissioner is hereby authorized to debit any underpayment of fee due or credit any overpayment to Deposit Account No. 50-0436.

Respectfully submitted,

/Paul K. Legaard, Reg.#38534/

Paul K. Legaard

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